

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX  
APPELLATE DIVISION

GARY SIMMONDS, )  
 ) D.C. <sup>cr</sup> ~~Civ.~~ App. No. 2008-0029  
 )  
 Appellant, ) Super. Ct. Crim. No. 215/2005  
 v. )  
 )  
 PEOPLE OF THE VIRGIN ISLANDS, )  
 )  
 Appellee. )  
 )

On Appeal from the Superior Court of the Virgin Islands  
The Honorable Darryl Dean Donohue, Judge Presiding

Considered: February 18, 2011  
Filed: July 29, 2011

**BEFORE:** CURTIS V. GÓMEZ, Chief Judge, District Court of the Virgin Islands; RAYMOND L. FINCH, Senior Sitting Judge, District Court of the Virgin Islands; and AUDREY L. THOMAS, Judge of the Superior Court of the Virgin Islands, Division of St. Thomas and St. John, sitting by designation.

**Attorneys:**

Kele Onyejekwe, Esq.  
St. Croix, U.S.V.I.  
For the Appellant,

Maureen Phelan, Esq.  
St. Croix, U.S.V.I.  
For the Appellee.

Per Curiam.

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**ORDER**

**AND NOW** for reasons more fully stated in a Memorandum Opinion filed on even date. It is hereby,

**ORDERED** that this matter is **REMANDED** for further briefing and fact finding. It is further

**ORDERED** that said briefing shall be completed within ninety (90) days of this order. It is further

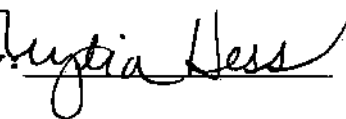
**ORDERED** that the Superior Court shall make all requisite fact finding and issue an order concerning such fact-finding within one-hundred and twenty (120) days from this order. It is further

**ORDERED** that we retain jurisdiction over this remand.

**SO ORDERED** this 29<sup>th</sup> day of July 2011.

**ATTEST:**

**WILFREDO F. MORALES**  
Clerk of the Court

By: 

**Copies (with accompanying memorandum opinion) to:**

Hon. Curtis V. Gómez  
Hon. Raymond L. Finch  
Hon. Audrey L. Thomas  
Hon. Darryl D. Donohue, Presiding Judge of the Superior Court  
Venetia Velazquez, Esq. Clerk of the Superior Court  
Queen Terry, Esq.  
Kele Onyejekwe, Esq., AAG  
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